

**United States Court of Appeals  
for the Fifth Circuit**

United States Courts  
Southern District of Texas

FILED  
June 28, 2024

Nathan Ochsner, Clerk of Court

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No. 23-20298  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**  
June 6, 2024

Lyle W. Cayce  
Clerk

PERCIVAL DYER,

*Plaintiff—Appellant,*

*versus*

CAPITAL ONE NATIONAL ASSOCIATION,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:20-CV-4230

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Before DENNIS, WILSON, and RAMIREZ, *Circuit Judges.*

**J U D G M E N T**

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

IT IS FURTHER ORDERED that Appellant pay to Appellee the costs on appeal to be taxed by the Clerk of this Court.

No. 23-20298

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.



Certified as a true copy and issued  
as the mandate on Jun 28, 2024

Attest:

*Jule W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

June 28, 2024

Mr. Nathan Ochsner  
Southern District of Texas, Houston  
United States District Court  
515 Rusk Street  
Room 5300  
Houston, TX 77002

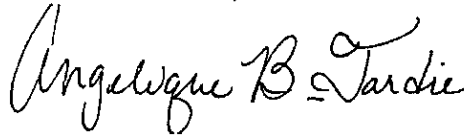
No. 23-20298      Dyer v. Capital One N.A.  
USDC No. 4:20-CV-4230

Dear Mr. Ochsner,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk



By:  
Angelique B. Tardie, Deputy Clerk  
504-310-7715

cc:

Ms. Susan J. Clouthier  
Mr. David H. Herrold  
Ms. Alexia Nicoloulis